

Application Serial No.: 10/753,338
Response to the Advisory Action dated May 16, 2005,
and the Official Action dated January 27, 2005

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 6, 14, and 15 are presently active in this case, Claims 1, 6, and 14 having been amended by way of the present Amendment.

Care has been taken such that no new matter has been entered. Support for the amendments can be found in the drawings of the application, for example, Figures 1, 2, 5, and 12.

The Advisory Action implied that Claim 6 as amended in the Amendment After Final submitted on April 27, 2005, was rejected under 35 U.S.C. 103(a) as being unpatentable over Gerhafer et al. (U.S. Patent No. 6,055,787) in view of Saltzman (U.S. Patent No. 4,001,997) and Corbin, Jr. (U.S. Patent No. 2,156,277) and further in view of Hideki (JP 10-088769). The Advisory Action further indicated that Claim 14 as amended in the Amendment After Final submitted on April 27, 2005, was rejected under 35 U.S.C. 103(a) as being unpatentable over Gerhafer et al. in view of Corbin, Jr. The Advisory Action did not address independent Claim 1.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of

Application Serial No.: 10/753,338
Response to the Advisory Action dated May 16, 2005,
and the Official Action dated January 27, 2005

obviousness has not been established in the present case because the references, either taken singularly or in combination, do not teach or suggest all of the claim limitations.

For example, the references cited against Claim 6 do not disclose or suggest, either singularly or in combination, an upper side portion formed in a straight line, vertical joint grooves on a designed surface, which is divided into plural areas by the vertical groove joints such that the plural areas have different widths and heights, a rear surface stepped portion formed in a straight line, and an engaging groove formed in a straight line in parallel to the upper side portion and the rear surface stepped portion, wherein the siding boards are installed in an inclined state having a specific angle to a front surface of the framework, as expressly recited in Claim 6. Accordingly, the Applicant respectfully requests the withdrawal of the rejection of Claim 6.

Additionally, the references cited against Claim 14 do not disclose or suggest, either singularly or in combination, a top face having vertical joint grooves, which divide the top face into plural areas having different widths and heights, an upper face formed in a straight line, and a stepped portion formed in a straight line in parallel to the upper face, as expressly recited in Claim 14. Accordingly, the Applicant respectfully requests the withdrawal of the rejection of Claim 14. Claim 15 is allowable for at least the reasons submitted for Claim 14, from which it depends.

Furthermore, since no rejection is specified in the Advisory Action with regard to Claim 1, the Applicant submits that Claim 1 is allowable for at least the reasons set forth in the Amendment After Final. Additionally, it is noted that Claim 1 advantageously recites an upper side portion formed in a straight line, vertical joint grooves on a designed surface,

Application Serial No.: 10/753,338
Response to the Advisory Action dated May 16, 2005,
and the Official Action dated January 27, 2005

which is divided into plural areas by the vertical groove joints such that the plural areas have different widths and heights, a rear surface stepped portion formed in a straight line, and an engaging groove being formed in a straight line in parallel to the upper side portion and the rear surface stepped portion.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Registration No. 25,599
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

GJM:CDW:brf

I:\atty\cdw\24xxxx\246924US3 DIV\am1.doc



COPY



E

Dept.: E/M

OSMM&N File No. 246924US3 DIV

By: GJM/CDW/brf

Serial No. 10/753,338

In the matter of the Application of: Morimichi WATANABE

For: SIDING BOARD FOR CLAPBOARD BOARDING AND A CLAPBOARD BOARDING STRUCTURE

Due Date: MAY 27, 2005

The following has been received in the U.S. Patent Office on the date stamped hereon

☐ Request for Continued Examination (RCE) Transmittal

☐ Request for Extension of Time (1 Month)

☐ Amendment

☐ Credit Card Form for \$910.00

☐ Dep. Acct. Order Form



BEST AVAILABLE COPY